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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

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CARL J. KUNASEK
CHAIRMAN

JIM IRVIN
COMMISSIONER

WILLIAM A. MUNDELL
COMMISSIONER

JUL 14 2000

DOCKETED BY

JM

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
ADVANCED TELCOM GROUP, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE FACILITIES-BASED
AND RESOLD INTRASTATE
TELECOMMUNICATIONS SERVICES AND
PETITION FOR COMPETITIVE
CLASSIFICATION OF PROPOSED SERVICES

DOCKET NO. T-03842A-00-0130

PROCEDURAL ORDER

BY THE COMMISSION:

On February 29, 2000, Advanced TelCom Group, Inc. ("Applicant" or "Advanced") submitted to Docket Control of the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide facilities-based and resold intrastate telecommunications services in Arizona. As part of its application, Applicant asks that the telecommunications services that it intends to provide be found "competitive" pursuant to Commission rules.

Applicant is required to publish notice of its filing in newspapers in all counties where service is to be provided. The record shows that the Applicant has not published notice.

On July 5, 2000, the Commission's Utilities Division Staff ("Staff") filed a Staff Report. Accordingly, the matter should be set for hearing.

Pursuant to Commission rules, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing on the above application and petition of Applicant shall commence on, September 20, 2000 at 9:30 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that the Applicant shall publish notice, as stated below, in newspapers in every county in Arizona in which Applicant desires to provide service by August 21,

2000, and shall file Affidavits of Publication with the Commission no later than September 14, 2000 by 12 noon.

**NOTICE OF APPLICATION FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY TO PROVIDE RESOLD AND
FACILITIES-BASED LOCAL EXCHANGE AND INTRASTATE INTEREXCHANGE
TELECOMMUNICATIONS SERVICES AND PETITION FOR
COMPETITIVE CLASSIFICATION OF PROPOSED SERVICES BY
ADVANCED TELCOM GROUP, INC.**

Advanced TelCom Group, Inc. ("Applicant") has filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide facilities-based and resold local exchange and intrastate interexchange telecommunications services in the State of Arizona. Applicant will be required by the Commission to provide this service under the rates and charges and terms and conditions established by the Commission.

The application, report of the Commission's Utilities Division Staff, and any written exceptions to the staff report prepared by the applicant are available for inspection during regular business hours at the offices of the Commission located at 1200 West Washington Street, Phoenix, Arizona 85007, and at Applicant, [address].

Under appropriate circumstances, interested parties may intervene in the proceedings and participate as a party. You may have the right to intervene in the proceeding, or you may make a statement for the record. Intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before September 14, 2000 by 12 noon. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to the Company or its counsel and to all parties of record, and which at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.

2. A short statement of the proposed intervenor's interest in the proceeding (e.g. a customer of the company, a shareholder of the company, a competitor, etc.)

3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

A.A.C. R14-3-105 shall govern the granting of motions to intervene. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement on their own behalf.

If you have any comments, mail them to:

The Arizona Corporation Commission
Attention Docket Control
re: Advanced TelCom Group, Inc.
T-03842A-00-0130
1200 West Washington Street

Phoenix, Arizona 85007

The hearing in this matter shall commence on September 20, 2000 at the Commission's offices. All comments should be received by September 20, 2000 by **9:30 a.m.** or can be made orally prior to the hearing.

If you have any questions about this application, or want information on intervention, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodations such as sign language interpreter, as well as request this document in an alternative format, by contacting Cynthia Mercurio-Sandoval, ADA Coordinator, voice phone number 602/542-0838, E-Mail csandoval@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that if Advanced TelCom Group, Inc. has already published notice pursuant to Commission rules, it shall file an affidavit of publication on or before September 14, 2000 by **12 noon**.

IT IS FURTHER ORDERED that Advanced TelCom Group, Inc. shall mail Qwest Corporation, formerly U S WEST Communications, Inc. notice of its pending application by August 21, 2000.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before September 14, 2000 by **12 noon**.

IT IS FURTHER ORDERED that any objections to motions to intervene shall be filed on or before September 18, 2000 by **12 noon**.

IT IS FURTHER ORDERED that all intervenors shall file specific disagreements/comments regarding the application and Staff Report on or before September 19, 2000 by **12 noon**.

IT IS FURTHER ORDERED that the Applicant shall file specific disagreements/comments, if any, to the Staff report by **12:00 noon** on September 19, 2000.

IT IS FURTHER ORDERED that all intervenors, Staff and Applicant shall file by **12:00 noon** on September 19, 2000, a list of witnesses and subject area(s) to be covered at the hearing in this matter.

IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and regulations of the Commission, except that every effort shall be made to respond within 48 hours of receipt; the response time may be extended by mutual agreement of the parties involved if the request

1 requires an extensive compilation effort.

2 IT IS FURTHER ORDERED that in the alternative to filing a written motion to compel
3 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
4 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such
5 request, a procedural hearing will be convened as soon as practicable; and that the party making such
6 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
7 hearing provide a statement confirming that the other parties were contacted.¹

8 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
9 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

10 DATED this 14th day of July, 2000.

11 
12 _____
13 STEPHEN GIBELLI
14 ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered
15 this 14th day of July, 2000 to:

16 Lance J.M. Steinhart
17 6455 East Johns Crossing, Suite 285
18 Duluth, Georgia 30097
19 Attorney for Advanced TelCom Group, Inc.

20 Timothy Berg
21 FENNEMORE CRAIG
22 3003 North Central Avenue, Suite 2600
23 Phoenix, Arizona 85012-2913
24 Attorneys for Qwest Corporation

25 Lyn Farmer, Chief Counsel
26 Legal Division
27 ARIZONA CORPORATION COMMISSION
28 1200 West Washington Street
Phoenix, Arizona 85007

25 ...

26 ...

27

28 ¹ The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 Deborah Scott, Director
2 Utilities Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 ARIZONA REPORTING SERVICE, INC.
7 2627 N. Third Street, Suite Three
8 Phoenix, Arizona 85004-1104

9 By:



Debbi Person
Secretary to Stephen Gibelli